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NATURAL RESOURCES OF SASKATCHEWAN

# CORRESPONDENCE

BETWEEN

THE GOVERNMENT OF CANADA

AND

THE GOVERNMENT OF THE PROVINCE  
OF SASKATCHEWAN

PRINTED BY ORDER OF PARLIAMENT



OTTAWA  
F. A. ACLAND  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1930







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THE UNIVERSITY OF CHICAGO

# CORRESPONDENCE

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
OF CHICAGO



## Correspondence re Transfer of Saskatchewan Natural Resources

### CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH

REGINA, SASK., February 11, 1929.

Rt. Hon. W. L. MACKENZIE KING,  
Prime Minister,  
Ottawa, Ont.

Tuesday morning February nineteenth at eleven o'clock at your office East Block will be satisfactory time for our delegation to meet your committee. Mrs. Gardiner and I expect to arrive in Ottawa Monday morning February eighteenth.

JAMES G. GARDINER.

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### SASKATCHEWAN AND ALBERTA NATURAL RESOURCES

STATEMENT GIVEN TO THE PRESS—June 26, 1929.

Upon the conclusion of the conference with the representatives of the Government of Manitoba, it was stated by the Prime Minister that the Dominion Government, having in mind negotiations now pending with the provinces of Alberta and Saskatchewan, and the representations of the Governments of these provinces with respect to the continuance of the payment of subsidies in accordance with the terms of existing legislation, is now prepared to accord to Alberta and Saskatchewan, in settlement of the resources question, treatment similar to that granted to Manitoba with respect to the continuance of Dominion subsidies.

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### PRIME MINISTER'S OFFICE, CANADA

OTTAWA, October 4, 1929.

The Hon. J. T. M. ANDERSON, M.L.A.,  
Premier of Saskatchewan,  
Regina, Sask.

DEAR MR. ANDERSON,—In a communication recently received from Mr. Brownlee, Premier of Alberta, relative to the transfer to Alberta of the natural resources of that province, Mr. Brownlee mentions that he has gathered from

newspaper reports that as a result of the acceptance by the Dominion Government of the report of the Commission on the Transfer of the Natural Resources of Manitoba, our Government was prepared to amend the terms of the offer previously made to the province of Alberta with respect to the return of its natural resources.

I have replied to Mr. Brownlee, quoting as authoritative the following statement which was given to the press on June 26 last:—

“Upon the conclusion of the conference with the representatives of the Government of Manitoba, it was stated by the Prime Minister that the Dominion Government, having in mind negotiations now pending with the provinces of Alberta and Saskatchewan, and the representations of the Governments of these provinces with respect to the continuance of the payment of subsidies in accordance with the terms of existing legislation, is now prepared to accord to Alberta and Saskatchewan, in settlement of the resources question, treatment similar to that granted to Manitoba with respect to the continuance of Dominion subsidies.”

As the present Government of Saskatchewan has come into office since this announcement was made, it has seemed to me that at the moment of replying to Mr. Brownlee's communication it would be most appropriate to bring officially to the notice of your Government the position of our Government with respect to the transfer to the province of Saskatchewan of the resources of your province. This, I feel, can be most effectively done by drawing your attention to the wording of the intimation herein quoted, at the same time advising you that, in accordance with its terms, the Dominion Government, if so desired by the Government of Saskatchewan, is prepared to enter into an agreement with the Government of Saskatchewan immediately for the transfer to the province of its natural resources.

Yours sincerely,

(Sgd.) W. L. MACKENZIE KING.

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PREMIER'S OFFICE, SASKATCHEWAN

REGINA, October 27, 1929.

Right Hon. MACKENZIE KING,  
Prime Minister of Canada,  
Ottawa, Canada.

My DEAR MR. KING,—I beg to acknowledge receipt of your letter of October 4 in which you refer to the return of the natural resources to this province.

I may say that it is the intention of my Government to ask you to receive a delegation in connection with this question some time early in December. In the meantime we are holding a conference with members of the Alberta Government as their problem is very much the same as ours. Would you kindly advise me as to a convenient date in December when your Government could meet us.

Yours faithfully,

(Sgd.) J. T. M. ANDERSON.



## PRIME MINISTER'S OFFICE, CANADA

OTTAWA, November 2, 1929.

The Hon. J. T. M. ANDERSON, M.L.A.,  
Premier of Saskatchewan,  
Regina, Sask.

DEAR SIR,—Your letter of October 27th, indicating that it is the intention of the Saskatchewan Government to ask for a conference early in December on the question of natural resources, has just reached this office.

As you are aware, the Prime Minister is in western Canada at the moment, and all I can say in reply is that I shall be glad to bring your communication to Mr. King's notice at the first opportunity.

Yours faithfully,

HARRY BALDWIN,  
Secretary.

## CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH

REGINA, Sask., November 6, 1929.

Right Hon. MACKENZIE KING,

Arriving C.N. 1050 P Date Edmonton, Alta.

Can you arrange for delegation from Saskatchewan Government to meet your Government at Ottawa about December tenth.

(Sgd.) Dr. J. T. M. ANDERSON.

## CANADIAN NATIONAL TELEGRAPHS

EDMONTON, November 7, 1929.

Dr. J. T. M. ANDERSON,  
Premier of Saskatchewan,  
Regina.

Shall be pleased to arrange conference at Ottawa on December tenth.

W. L. MACKENZIE KING.

## PREMIER'S OFFICE, SASKATCHEWAN

REGINA, November 12, 1929.

Right Hon. W. L. MACKENZIE KING,  
Prime Minister of Canada,  
Ottawa, Canada.

DEAR SIR,—This will acknowledge receipt of your wire dated November 7. My Government will be pleased to meet you at Ottawa on December 10.

Yours faithfully,

(Sgd.) J. T. M. ANDERSON.

## MEMORIAL OF THE GOVERNMENT OF SASKATCHEWAN TO THE GOVERNMENT OF CANADA

1. The Government of Saskatchewan is of the opinion that the time has come when the negotiations which have been carried on for many years between the Dominion Government and the province of Saskatchewan, with a view to handing over the natural resources to the province of Saskatchewan, should be brought to a final and satisfactory conclusion.

2. The Government of Saskatchewan respectfully urges that it is desirable and just that such adjustments be made between the Dominion of Canada, and the province of Saskatchewan, with respect to our natural resources, as will give full recognition to the principle that in all respects, Saskatchewan is entitled to be placed in a position of equality with the other provinces of Canada.

3. With this end in view the Government of Saskatchewan respectfully urges that the province of Saskatchewan be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from the date of admission of Rupert's Land and the Northwest Territories into the Federal Union of Canada on the 23rd day of June, 1870. The words "Natural Resources" being understood to mean all Crown lands, mines and minerals situated within the province of Saskatchewan and all royalties incident thereto.

4. If the Government of Canada is prepared to agree that Saskatchewan be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources, as from the date on which Saskatchewan was established as a province of Canada, by Act of the Parliament of Canada in 1905 and is not prepared to admit any responsibility prior to that date, the Government of Saskatchewan with the concurrence of the Government of Canada is prepared to agree to the appointment of a commission, to determine the date from which the said accounting should begin, said commission to consist of a judge of the Court of Appeal of Saskatchewan, to be appointed by the Government of Saskatchewan, a judge of the Supreme Court of Canada, to be appointed by the Government of Canada, and a member of the judiciary of Great Britain, to be appointed by the Imperial Government.

5. And whereas the Government of Canada by recent letter of its Prime Minister, to the Government of Saskatchewan has expressed its readiness to effect the transfer to the province of Saskatchewan of all unalienated natural resources within her boundaries and to continue the payment of the annual subsidy to the province of Saskatchewan in accordance with the terms of the Saskatchewan Act of 1905. The province of Saskatchewan respectfully urges that with the least possible delay, all unalienated natural resources within the boundaries of the said province be handed over to the said province and that the said subsidy be paid in accordance with the said terms and that all additional claims of the province of Saskatchewan be referred to the commission, hereinbefore referred to.

6. The Government of Saskatchewan respectfully urges that the province of Saskatchewan has an inherent right to all natural resources within the area now comprising the province, and all royalties incident thereto, and revenues derived therefrom, as and from the 23rd day of June, 1870, and that the Government of Canada as administrative trustee of said Natural Resources, should fully account to the said province for said Natural Resources and all aliena-



tions thereof up to the date of the transference of said Natural Resources to the province of Saskatchewan, due regard being taken of all sums, justly and fairly expended by the said Government of Canada in the administration of said resources in the interests of the said province.

7. The Government of Saskatchewan, respectfully urges that the commission as hereinbefore referred to, be appointed and instructed, to inquire into and to report upon the financial readjustments which should be made in order to place the province of Saskatchewan in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from the 23rd day of June, 1870, or from such other date as to the said commission may seem just and lawful.

8. The Government of Saskatchewan further urges that there be a right of appeal to the Judicial Committee of the Privy Council, if the majority of the judges of the said commission, declare the question in dispute is fundamental or of sufficient importance to warrant such appeal on matters of fact and an unrestricted right of appeal on matters of law.

9. In the alternative the Government of Saskatchewan is prepared to submit all questions relating to financial adjustments, between the province of Saskatchewan and the Government of Canada to the commission herein suggested, and to submit the question as to the date from which these adjustments should be made and all constitutional questions to the Supreme Court of Canada with the right of appeal in each case to the Judicial Committee of the Privy Council.

10. The Government of Saskatchewan further urges, that the findings of said commission, as found or as amended by the Judicial Committee of the Privy Council be submitted to the Parliament of Canada and to the Legislature of Saskatchewan and that the respective Governments introduce the necessary legislation to give effect to the said findings and in the event of its being necessary to amend the Saskatchewan Act as a result of said findings, that the said Act as amended be ratified by Act of the Imperial Parliament.

Dated at Ottawa, this 10th day of December, 1929.

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PRIME MINISTER'S OFFICE, CANADA

OTTAWA, December 31, 1929.

The Hon. J. M. ANDERSON, D.Paed.,  
Premier of Saskatchewan,  
Regina, Sask.

DEAR SIR,—The memorial signed by you on behalf of the Government of Saskatchewan and dated on the 10th of this month has been carefully considered by my colleagues and myself. We are in entire agreement with the Government of Saskatchewan in the view that it is most desirable in the public interest that an arrangement of the transfer of its natural resources to the province should be concluded as promptly as possible. Since your recent visit to Ottawa agreements for this purpose have been concluded with the provinces of Manitoba and Alberta, and these will be submitted to Parliament and to the legislatures of those provinces within the next few weeks in anticipation of their being given effect at an early date by legislation of the Parliament of the United Kingdom of Great Britain and Northern Ireland.

We regard the position of the province of Saskatchewan as being in the main identical with that of the province of Alberta, and our Government is prepared without delay to make with the province of Saskatchewan an agreement along the same lines as that recently made with the province of Alberta. Under that agreement the province will continue after the coming into force of the agreement to receive its present annual subsidy without change and a commission consisting of the Hon. Mr. Justice Turgeon, Mr. Charles M. Bowman, Chairman of the Board of Directors of the Mutual Life Assurance Company of Canada, and Mr. Fred. E. Osborne, the mayor of Calgary, will be constituted to consider the question whether any and, if any, what consideration, in addition to annual sums equal to those specified in section 21 of the *Alberta Act*, should be paid to the province in order that it may be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905.

The Hon. Mr. Justice Turgeon and Mr. Bowman were, as you are aware, members of the Royal Commission to which was referred for consideration and report the matter of financial readjustments incidental to the transfer of its resources to the province of Manitoba. The third member of the commission was the Hon. T. A. Crerar, a citizen of Manitoba. In the case of Alberta, His Worship Mayor Osborne of Calgary has been appointed the third member.

Our Government stands ready immediately to make a similar agreement with the province of Saskatchewan, the commission in its case to consist of the first two gentlemen above named and some third person to be agreed upon. In our view, an arrangement along these lines would provide a just and equitable solution of a long standing problem and one which would clearly be in the interest not only of the province, but of Canada at large. If such an arrangement would be satisfactory to the Government of Saskatchewan, there appears to be no reason why it should not be made ready for submission to Parliament and the Legislature of Saskatchewan in time to permit it to come into effect contemporaneously with the Manitoba and Alberta agreements.

The memorial of December 10 seems to suggest that the Government of Saskatchewan takes the view that there is some legal ground for a contention on its part that the *Saskatchewan Act*, by which the province was brought into existence, or some parts of that Act, were not within the competence of Parliament, and that for this reason there is some legal foundation for a claim on the part of the province that it is entitled to make against Canada claims with respect to a period between 1870 and 1905, when it was first constituted. We find it difficult to appreciate the nature of the legal arguments upon which this claim is founded, but these are obviously, in any event, a matter for the consideration of the courts. Accordingly, if the Government of the province desires to present its contentions on this head, our Government is quite ready to co-operate in obtaining a decision upon them by referring appropriate questions to the Supreme Court of Canada, whose decision would, according to the usual practice, be subject to appeal to the Judicial Committee of the Privy Council. In case such a reference were made, the matter of an agreement with the province would, of course, have to stand in abeyance pending the final disposition of the questions submitted.

May I be permitted to express the hope that the basis of settlement of the resources question in Saskatchewan as herein proposed, may commend itself to your colleagues and yourself, as being in the interests alike of the province and the Dominion.

Yours sincerely,

(Sgd.) W. L. MACKENZIE KING,  
*Prime Minister.*



## CANADIAN NATIONAL TELEGRAPHS

OTTAWA, December 31, 1929.

Hon. J. M. ANDERSON,  
Premier of Saskatchewan,  
Regina, Sask.

Reply to your memorial of December tenth despatched today stop I would suggest publication of memorial and reply contemporaneously at Regina and Ottawa upon receipt by you of reply stop If you agree will you please so advise by wire on receipt of this communication and also kindly advise me by wire of my reply to your memorial on reply reaching you.

W. L. MACKENZIE KING.

## CANADIAN NATIONAL TELEGRAM

REGINA, SASK., January 1, 1930.

Rt. Hon. W. L. MACKENZIE KING,  
Ottawa, Ont.

Wire 31st received. Shall wire you immediately upon receipt reply memorial. Your suggestion *re* publication memorial and reply satisfactory. Happy New Year.

J. T. M. ANDERSON.

## PREMIER'S OFFICE, SASKATCHEWAN

REGINA, January 17, 1930.

The Hon. W. L. MACKENZIE KING,  
Prime Minister of Canada,  
Ottawa, Ontario.

DEAR SIR,—I beg to acknowledge receipt of your letter of December 31 containing your reply to the memorial of the province of Saskatchewan dated the tenth day of December and outlining the terms on which the Federal Government is prepared to restore to Saskatchewan its territorial rights, and the method by which the compensation payable to it for the alienation of its lands and resources in the past may be adjusted. I am pleased to note that by these negotiations we have made a distinct step forward and that in addition to the return of our natural resources and the continuation of our annual subsidy in perpetuity as offered in your previous letter of October 4, 1929, you now offer Saskatchewan for the first time a commission to consider the question whether any, and, if any, what consideration in addition to the said annual subsidies should be paid to the province in order that it may be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905.

We also note and appreciate your offer now made for the first time to co-operate with us in obtaining a legal decision on the claims of the province of Saskatchewan for compensation for all alienations between 1870 and 1905 by referring appropriate questions to the Supreme Court of Canada and from there if deemed advisable to the Judicial Committee of the Privy Council.

I fully appreciate and as fully reciprocate the desire expressed by you for a quick adjustment of this long-outstanding question. I would prefer that such adjustment should be made amicably and by a commission rather than by a decision of the Privy Council if the two Governments can agree upon the fundamentals necessary to such an amicable agreement. The Government of Saskatchewan feels that such adjustments and agreements should be made as will place the province of Saskatchewan in the position in which it would have been had it come into Confederation in 1870, vested with the ownership and control of its natural resources to the same extent and with the same rights and limitations as have always prevailed in the case of Ontario, Quebec, Nova Scotia and New Brunswick when they entered into the Union in 1867. We believe that it was one of the fundamental principles of Confederation that each province should enjoy, as a source of revenue, the administration and control of the Crown lands, mines and minerals within its territory and of all royalties incident thereto.

I gather from your letter that you concede the right of the province of Saskatchewan to its land and other natural resources from 1905 and that the province is entitled to compensation for the use of that land and for alienations of it by the Dominion Government since that date and for all loss that it has sustained through other impairments of its provincial rights, but that you fail to appreciate the nature of the grounds upon which we can legally lay claim to compensation for alienation of our lands and resources between 1870 and 1905.

On the 23rd day of June, 1870, by an Imperial Order in Council, Rupert's Land and the Northwest Territory were admitted each separately into the Federal Union of Canada, subject to the B.N.A. Act, 1867, and upon the terms and conditions contained in the addresses to Her Majesty of December, 1867, and May, 1869. I am of the opinion that these two territories at that time became parts of Canada and distinct entities of the Federal Union of Canada. They were brought into the Union for the express purpose of extending westward the Dominion of Canada as constituted by the B.N.A. Act, 1867.

Under the B.N.A. Act the Parliament of Canada had no control over these lands any more than it had over the lands of Ontario. The powers granted to the Canadian Parliament were administrative powers for the structural development of the new entities along government lines and did not extend to or touch the territorial right or sovereign ownership of the land itself.

According to our view, the Dominion did not buy or get or by the payment of money to the Hudson's Bay Company acquire a right to a transfer to it of the rights of the Hudson's Bay Company under its charter. These rights were "surrendered" to Her Majesty Queen Victoria and "absolutely extinguished". The Dominion did not purchase the lands either from the Crown or from the Hudson's Bay Company, and under the constitution it was incompetent to buy or hold or own them or any property whatever except what was specifically attached to the Dominion under the B.N.A. Act, 1867. The lands according to our view were held in trust by the Federal Government for the provinces which were ultimately to be created out of these territories. The authority of the Parliament of Canada to establish provinces in Rupert's Land and the Northwest Territories was a special authority conferred by the B.N.A. Act, 1871, and the establishment of any area as a province terminated the trust powers and installed the new province entirely under the B.N.A. Act, 1867.



Between 1870 and 1905 the Dominion, through the Parliament of Canada, was an administrative trustee of Rupert's Land and the Northwest Territories under the powers contained in

- (a) Rupert's Land Act, 1868.
- (b) The Order of Admission of June 23, 1870.
- (c) B.N.A. Amendment Act, 1871.

In 1872 the Federal Parliament passed the Dominion Lands Act, declaring all the Crown Lands in Manitoba and the Northwest Territories to be vested in the Crown *for the Purposes of the Dominion*, and, thus by its own mere fiat, since this Act was not confirmed by the Imperial Parliament, assumed to convert its trusteeship into an ownership.

After 1872 the Dominion caused all the alienations of lands and minerals and other property in Rupert's Land and the Northwest Territories to be made, relying on the ownership alleged to have been created for it by the Dominion Lands Act, 1872, and except for lands given to settlers under its implied trust power in that regard, we claim the Dominion should account for all lands or minerals or other property so alienated.

According to Sessional Paper No. 281 the lands granted to railway companies on land subsidy account by the Dominion Government previous to 1905 amounted to 8,968,071 acres, and subsequent to 1905 lands granted on the same account amounted to 6,118,378, making a total of 15,086,449 acres. If we place an average value of \$10 per acre on these lands they would be worth \$150,864,490. That this price is not unreasonable may be judged by the fact that out of the total railway grants scattered over the western provinces 21,804,966 acres of land were sold by the railways for \$187,268,182 or at an average of over \$8.50 per acre. From the total grant to the Hudson's Bay Company 3,602,990 acres were sold by the company for \$44,167,986 or over \$12 per acre.

The figures for railway grants of Saskatchewan lands since 1870 are as follows:—

	Acres
Canadian Pacific Railway Main Line grants.. . . .	6,216,278
Canadian Pacific Railway Branch Lines and subsidiaries.. . . .	3,648,546
Grants to all other railway lines.. . . .	5,221,632

According to an official statement given in the House of Commons at the request of John Evans, Esq., M.P. for Rosetown, Saskatchewan, the following is a detailed statement of the disposal of the Public Lands of Saskatchewan by the Government of Canada as of January 1, 1927:

	Acres
Homesteads.. . . .	28,770,000
Pre-emptions, purchased homesteads and script lands.. . . .	6,828,500
Railway grants.. . . .	15,177,063
Hudson's Bay Company Lands.. . . .	3,349,700
School lands.. . . .	3,943,800
Drainage and irrigation.. . . .	134,426
Timber berth leases.. . . .	541,850
Grazing leases.. . . .	3,178,400
Government reserves and parks .. . . .	6,239,000
Reserved for forestry, parks and pulpwood purposes .. . . .	1,639,000
Road allowances .. . . .	1,468,487
Parish and river lots .. . . .	84,117
Indian reserves surrendered .. . . .	1,166,314

A total of 61,326,932 acres of Saskatchewan lands have been alienated by the Dominion Government up to January, 1927. These lands were alienated without the authority or consent of the Government and people of Saskatchewan and concerning them we had no say. If an average value of only \$5 per acre

was placed on these lands we have a value of \$306,634,660. At three per cent interest this would represent a subsidy of \$9,199,039.80 per year, without taking into consideration our minerals and our water power.

According to said Sessional Paper 281 the Dominion Government still has in its possession 102,300,000 acres of Saskatchewan lands, surveyed and unsurveyed, which at an average price of three dollars per acre only, would represent a value of \$306,900,000.

Under these circumstances it must be evident to the most partial observer that the return of the balance of our unalienated resources and the payment of the subsidy even at its maximum of \$1,125,000 is very far from a fair or adequate settlement of the just claims of the province of Saskatchewan against the Dominion Government by reason of the said alienations.

The amendment of our constitution should also receive serious consideration at this time. Section 2 of the B.N.A. Act, 1871, states that the Parliament at the time of establishing a new province may "make provision for the constitution and administration of any such province". This has been construed to mean that the Parliament of Canada had an unlimited authority to devise for the province of Saskatchewan any constitution it might think right. I am of the opinion that the Parliament of Canada had no such right; that the Parliament of Canada could not establish nor constitute any province, except homologous in all radical essentials with the provinces already provided for and whose status and rights are conferred by the B.N.A. Act, 1867. I therefore respectfully submit that Saskatchewan is entitled to the same status and rights as the other provinces of Canada under the B.N.A. Act of 1867, and that in all cases where our constitution differs from that of the other provinces of Canada the necessary amendments should be made in the Saskatchewan Act so that the province of Saskatchewan be placed in a position of equality with the other provinces of Confederation in the matter of its constitution.

I note from your letter that you are prepared to make an agreement with Saskatchewan similar to that lately made with Alberta providing we accept your terms and agree to your commission, but if we persist in our claim for an accounting prior to 1905 and in our determination to have the matters in dispute referred to the Supreme Court of Canada subject to an appeal to the Judicial Committee of the Privy Council you take the stand that the agreement between the province and the Dominion Government should stand in abeyance pending the final disposition of the question submitted.

In a great matter of national importance, such as this is, the rectification of Canada's constitution, it would be more commendable if the issues could be decided or adjusted among ourselves by compact or agreement rather than by a judicial tribunal. It is not desirable that the Canadians should figure before the world as litigants over adjustable difficulties. Why not eliminate the legal or law elements in the way by agreement as suggested above and on this basis issue a commission with power to make the financial adjustments which are necessary adequately to compensate the province for the use and alienation of its land, not only from 1905 till the present, but from 1870 till 1905, or during the tutorial period. If you would do this I think we can agree and thus conclude this stage at least of a great work of rectification and restitution which is essential to Canada's unity and integrity as a homogeneous nation.

In the case of Manitoba the commission made its adjustments from 1870, despite the fact that the control of the lands of the original province was withheld by Imperial sanction in 1871, and that by statutory enactments of both the provincial legislature and the Parliament of Canada in 1881, 1885 and 1912 Manitoba had reassented to the principle of Dominion ownership and precluded herself from claiming compensation. She took a *quid pro quo* and debarred herself under all the rules of equity as well as law from all compensation beyond what was stipulated for in those years. Yet all these barriers in Manitoba



were swept aside and a commission appointed which investigated and reported on her rights as if the barriers were non-existent; and under an agreement founded on the report of the commission she is given a cash sum of \$4,584,212.49, the return of her resources, and an annual payment in perpetuity equal to what is payable to Saskatchewan as a subsidy in lieu of all her lands. The great difference between Manitoba and Saskatchewan is that the right of control over the land in Manitoba was withheld by the sanction of an Imperial Act, whereas in Saskatchewan, first the trust property of Rupert's Land and Northwest Territory was converted into federal property in 1872, and then the control of the area within Saskatchewan was withheld in 1905, both being done by statutes of Canada, which have no Imperial sanction and are therefore *ultra vires*. If, then, the valid Imperial Act in Manitoba is ignored, why not ignore the invalid Canadian Act in the case of Saskatchewan. This would, I suggest, be what the commissioners in the Manitoba report designate as "Equality of Treatment".

You suggest that the case of Saskatchewan is in the main identical with that of Alberta. May I just mention to indicate the great difference between the cases of the two provinces the following facts:—

(a) That the alienations of land in Alberta are very much less than the alienations in Saskatchewan;

(b) That Alberta by virtue of her oil and coal development has immediately available a substantial revenue apart from lands;

(c) That proportionately the province of Alberta has available for an immediate Provincial Land Settlement Scheme a larger area of agricultural land.

We are prepared to accept the terms of your offer with these qualifications:—

(a) That all unalienated natural resources within the province of Saskatchewan be turned over to the said province at once, and that the subsidy be continued in perpetuity in accordance with the terms of the Saskatchewan Act.

(b) We are not prepared to agree to the two commissioners mentioned by you in view of the considered and expressed opinions of both commissioners on the matters at issue in the report of the Manitoba Commission and on other occasions.

We renew our offer to submit our claims for compensation for all alienations subsequent to 1905 to a commission consisting of a commissioner appointed by the Government of Canada, a commissioner appointed by the Government of Saskatchewan, and a third commissioner appointed by the Imperial Government, or in the alternative, to the third commissioner being appointed by the two.

(c) That while the commission is sitting and without any delay we are prepared, in accordance with the terms of your offer, to co-operate with your Government in referring appropriate questions regarding our claims to an accounting between 1870 and 1905 and our claims respecting the amendment of our constitution to the Supreme Court of Canada, subject to appeal to the Judicial Committee of the Privy Council.

(d) In the event of our contention being upheld by the courts the question of the accounting from 1870 to 1905 to be referred to the said commission, and on an agreement being arrived at the whole question of compensation and the amendment to the constitution to be submitted to Parliament and the Legislature of Saskatchewan with a view to the agreement being given effect to at an early date by legislation of the Parliament of the United Kingdom of Great Britain and Northern Ireland.

My Government is prepared to render every assistance in our power to bring about an amicable and speedy settlement of the issue herein referred to, believing as we do that it is in the best interests of the province and the Dominion that a final settlement of all matters in dispute be arrived at by an impartial tribunal as herein proposed.

Yours faithfully,  
(Sgd.) J. T. M. ANDERSON.

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PRIME MINISTER'S OFFICE, CANADA

OTTAWA, February 7, 1930.

Hon. J. T. M. ANDERSON,  
Premier of Saskatchewan,  
Regina, Sask.

DEAR SIR,—I have to acknowledge your letter of January 17 on the subject of the transfer to the province of Saskatchewan of its natural resources, and I desire to assure you that its contents have received very careful consideration.

Our Government does not find itself in agreement with the views the letter expresses on a number of historical and legal points, or with the inferences to be drawn from certain of the facts to which you refer, and we cannot admit that the constitutional position of Saskatchewan as one of the provinces of Canada, or that of the Northwest Territories prior to the erection of the province, should be treated for the present purpose as having been the subject of general misconception for more than half a century. We think, however, that these disagreements are of no immediate consequence since there appears to remain no serious obstacle to the two Governments at once reaching a satisfactory agreement on the specific practical points with which your letter concludes.

Since we consider it desirable that the arrangements for the administration of the natural resources of the three Prairie Provinces should, if possible, be kept uniform, we are prepared to enter into an agreement for the immediate transfer of the unalienated resources in the province of Saskatchewan and the continuance of the present subsidy along the same lines as have been followed in the case of the province of Alberta, and hope that an agreement can be made accordingly with the province of Saskatchewan in time to permit of its being submitted to Parliament and the Saskatchewan Legislature at the sessions which are about to open, in order that all the agreements on the subject of natural resources may be brought into operation contemporaneously.

There seem therefore to remain only two minor points upon which the suggestions contained in my letter of December 31 are not entirely agreeable to you, namely, the selection of the proposed commissioners and the course they should follow in dealing with the questions to be referred to them.

Our proposal that Mr. Justice Turgeon should act with Mr. Bowman and a third person to be suggested by you would, we thought, be acceptable to you for several reasons. We considered that Mr. Justice Turgeon's and Mr. Bowman's familiarity with the general situation would be a distinct advantage, and we also expected that you would welcome our suggestion because its acceptance would probably result in two of the three commissioners being drawn from the province of Saskatchewan, and because you would regard Mr. Justice Turgeon's position and the respect in which he is held as likely to cause con-



clusions in the formulation of which he took a principal part to command the ready assent of the public of the province. As, however, you indicate a desire for the nomination of other commissioners, we should be glad to discuss the choice which should be made. It seems obvious that in a matter of this kind the persons selected should be agreed upon by both the Governments concerned. As you yourself point out, the recommendations of the commissioners must commend themselves to the approval of Parliament and of the Saskatchewan Legislature in order that effect may be given to them by legislation, and indeed no other course is open since neither Parliament nor the Legislature could properly delegate their legislative powers in advance to any commissioners, even if either had power effectively to do so.

As to the mode in which the commissioners should deal with the questions to be referred to them, we are decidedly of opinion that all matters in difference should be dealt with together. No advantage would be gained by divorcing consideration of the periods before and after 1905; on the contrary, for the commissioners to deal with these different periods at different times would be in the highest degree inconvenient and unsatisfactory. It seems to us therefore that, before entering upon the consideration of the questions referred to them, the commissioners should know definitely to what period they should have regard in arriving at their conclusions, and that all necessary questions of law should be determined before the inquiry opens. No interest would thereby suffer since any recommendation by the commissioners would necessarily indicate the date by reference to which their calculations had been made, and in the meantime the province would have had the administration of its natural resources and would have continued to receive the present subsidies without diminution.

We would consequently propose that a conference be at once arranged to settle the terms of an agreement for the immediate transfer of its natural resources of the province, this agreement to be substantially along the same lines as that already entered into with the province of Alberta, but differing from it in naming three different commissioners (if you so desire), in providing for the submission to the Supreme Court of Canada under R.S.C. 1927, c. 35, s. 55, of questions so framed as to obtain a decision as to the relative rights of Canada and of the province to the natural resources lying within the present provincial boundaries from 1870 onwards and in specifying that the commissioners should have regard only to the period after 1905 or to the whole period from 1870 onwards in accordance with the decision of the courts on the reference.

Some of the expressions in your letter seem to indicate that you think it desirable that consideration should be given to the amendment of the constitution of the province generally on grounds of policy and not by reason of any doubt as to the legislative competence of Parliament to enact the provisions of the Saskatchewan Act in their present form, and you appear to propose that questions of this character should be referred to the Supreme Court of Canada for consideration. We cannot, however, see that such questions can have any bearing upon the transfer of the natural resources to the administration of the province, and the Supreme Court of Canada would, we think, not in any event be the proper forum for their consideration.

I trust that the suggestions I have made will have the effect of removing the last obstacles to the immediate negotiation of an arrangement whereby the province of Saskatchewan will be placed, with respect to its natural resources, in the same position as that which, on the coming into force of the agreements already negotiated, will be occupied by all the other provinces of Canada.

I remain, yours sincerely,

(Sgd.) W. L. MACKENZIE KING,  
*Prime Minister.*

## CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH

REGINA, SASK., February 10, 1930.

Rt. Hon. W. L. MACKENZIE KING,  
Ottawa, Ont.

Letter received this morning. Thanks very much for reply to our proposal.

DR. J. T. M. ANDERSON.

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PREMIER'S OFFICE, SASKATCHEWAN

REGINA, February 14, 1930.

The Right Hon. W. L. MACKENZIE KING,  
Prime Minister of Canada,  
Ottawa, Canada.

DEAR MR. KING,—I wish to acknowledge, on behalf of the Government, your letter of February 7 containing the proposals of the Federal Government in connection with the transfer to the province of Saskatchewan of its natural resources. I believe as you do that we can now arrive at an agreement which will be satisfactory to our province and to your Government.

As we understand your proposal, your Government is prepared to give us, without delay, our unalienated resources and a continuance of the present cash subsidy with increases as already arranged and that you are also prepared to agree to a commission mutually satisfactory. Furthermore, you agree to have this commission conduct an accounting with a view to deciding whether or not we are entitled to other compensation than the cash subsidy for alienations during the period subsequent to 1905.

In addition to this, your Government is prepared to join with us in submitting to the Supreme Court of Canada under R.S.C. 1927, c. 35, s. 55, questions so framed as to obtain a decision as to the relative rights of Canada and of the province to the natural resources lying within the present provincial boundaries from 1870 to 1905.

With reference to the second last paragraph of your letter, the position which we take is not that the constitution should be amended as a matter of policy, but that it should be as a constitutional right of the province, as we are of the opinion that certain provisions in the Saskatchewan Act are not within the legislative competence of the Parliament of Canada.

We are prepared to reserve our constitutional rights for consideration at a later date and to immediately proceed to an amicable settlement of all our other rights along the line suggested in your letter.

You further state that the commission should not begin investigations until a court decision is received.

Will you kindly wire me as soon as you receive this, verifying the above interpretation of your proposals contained in your letter of February 7.

Would you also advise whether or not representatives of my Government could meet your Government on Monday or Tuesday, February 24 and 25, in order to settle the terms of an agreement for the immediate transfer of our natural resources.

Yours faithfully,

(Sgd.) J. T. M. ANDERSON.



## CANADIAN NATIONAL TELEGRAPHS

OTTAWA, February 18, 1930.

Hon. J. T. M. ANDERSON, M.L.A.,  
Premier of Saskatchewan,  
Regina, Sask.

Your letter February 14, duly received stop I regret that owing to debate on the Address on Monday 24, it will be impossible to meet delegation that day stop Will be glad however to see delegation any day later in the week and discuss the remaining points as per our respective letters stop May I also say that I understand first: that by an accounting you mean something similar to principle laid down in settlement with province of Alberta; and second: that the reference to the Supreme Court of Canada will of course be made by the Governor in Council as provided by the Supreme Court Act.

W. L. MACKENZIE KING.

## CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH

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*Telegram*

REGINA, SASK., February 19, 1930.

Right Hon. W. L. MACKENZIE KING,  
Prime Minister Canada "Personal"  
Ottawa, Ont.

Wire received stop Proposed agreement mailed you yesterday stop As requested wire soon as possible advising whether terms satisfactory stop If so can adjourn twenty eighth and be in Ottawa for March fourth.

DR. J. T. M. ANDERSON.

## CANADIAN NATIONAL TELEGRAPHS

OTTAWA, February 19, 1930.

Hon. J. T. M. ANDERSON, M.L.A.,  
Premier of Saskatchewan,  
Regina, Sask.

Your wire received today stop I have no doubt draft agreement being forwarded by you is similar to that respecting return of natural resources to Alberta in which event my colleagues and I will be prepared to go into further conference with yourself and colleagues on March fourth as suggested by you.

W. L. MACKENZIE KING.

## PREMIER'S OFFICE, SASKATCHEWAN

REGINA, February 17, 1930.

The Right Hon. W. L. MACKENZIE KING,  
Prime Minister of Canada,  
Ottawa, Ontario.

DEAR MR. KING,—I am enclosing herewith a form of agreement suggested by my Government in connection with the natural resources question. You will see that the Alberta agreement has been substantially adhered to. Sections 21, 22 and 23 are new sections and refer to the period between 1870 and 1905. As you know our House is in session and we would like to have the necessary legislation brought down before prorogation.

If this agreement is satisfactory would you kindly wire me and we shall arrange to adjourn the House on Friday, February 28. We could reach Ottawa by Sunday night, March 2, and if convenient could go into conference with your Government on Monday and Tuesday, March 3 and 4.

Yours faithfully,

(Sgd.) J. T. M. ANDERSON.

## PREMIER'S OFFICE, SASKATCHEWAN

## MEMORANDUM OF AGREEMENT

Made this \_\_\_\_\_ day of \_\_\_\_\_, 1930

## BETWEEN

THE GOVERNMENT OF THE DOMINION OF CANADA, represented herein by

and

*Of the first part;*

## AND

THE GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN, represented herein by

and

*Of the second part.*

WHEREAS by section 21 of the Saskatchewan Act, being chapter 42 of four and five Edward the Seventh, it was provided that "All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the province under the Northwest Irrigation Act, 1898, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act which shall apply to the said province with the substitution therein of the said province for the Northwest Territories";

AND WHEREAS the constitutionality of said section 21 has long been in controversy and it is deemed necessary in the interest of federal unity that future controversy end;



AND WHEREAS it is desirable that the province should be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources;

AND WHEREAS it has been agreed between Canada and the said province that the provisions of the Saskatchewan Act should be modified as herein set out;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

TRANSFER OF PUBLIC LANDS GENERALLY

1. In order that the province may be in the same position as the original provinces of Confederation are in virtue of section 109 of the British North America Act, 1867, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties incident thereto within the province, and all sums due or payable for such lands, mines, minerals or royalties, shall from and after the coming into force of this agreement and subject as herein otherwise provided, belong to the province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the province for the purposes thereof, subject, until the legislature of the province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the province for any payment made in respect of any of the said lands, mines, minerals, or royalties before the coming into force of this agreement, and that the province shall not be liable to account to Canada for any such payment made thereafter. Nothing in this agreement however shall in any way affect the rights and benefits which may accrue to the province from a decision of the Supreme Court of Canada or of His Majesty in Council as the case may be.

2. The province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the province or to interests therein, irrespective of who may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangements, or until repealed by any Act of the Parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred or by any regulation made under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the province as may be specified by the legislature thereof from time to time, and until otherwise directed, may be exercised by the Provincial Secretary of the province.

4. The province will perform every obligation of Canada arising by virtue of the provisions of any statute or order in council or regulation in respect of the said public lands to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of lands for right of way, road bed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances.

5. The province will further be bound by and will, with respect to any lands or interests in lands to which the Hudson's Bay Company may be entitled, carry out the terms and conditions of the deed of surrender from the said company to the Crown as modified by the Dominion Lands Act and the agreement dated the 23rd day of December, 1924, between His Majesty and the said company which said agreement was approved by Order in Council dated the 19th day of December, 1924 (P.C. 2158), and in particular the province will grant to the company any lands in the province which the company may be entitled to select and may select from the lists of lands furnished to the company by the Minister of the Interior under and pursuant to the said agreement of the 23rd day of December, 1924, and will release and discharge the reservation in patents referred to in clause three of the said agreement, in case such release and discharge has not been made prior to the coming into force of this agreement. Nothing in this agreement, or in any agreement varying the same as hereinafter provided, shall in any way prejudice or diminish the rights of the Hudson's Bay Company or affect any right to or interest in land acquired or held by the said company pursuant to the deed of surrender from it to the Crown, the Dominion Lands Act or the said agreement of the 23rd day of December, 1924.

#### SCHOOL LANDS FUND AND SCHOOL LANDS

6. Upon the coming into force of this agreement, Canada will transfer to the province the money or securities constituting that portion of the school lands fund, created under sections 22 and 23 of the Act to amend and consolidate the several Acts respecting Public Lands of the Dominion, being chapter 31 of 42 Victoria, and subsequent statutes, which is derived from the disposition of any school lands within the province or within that part of the Northwest Territories now included within the boundaries thereof.

7. The school lands fund to be transferred to the province as aforesaid, and such of the school lands specified in section 37 of the Dominion Lands Act, being chapter 113 of the Revised Statutes of Canada, 1927, as pass to the province under the terms hereof, shall be set aside and shall continue to be administered by the province in accordance with the law of the province.

#### WATER

8. Canada agrees that the provision contained in section 4 of The Dominion Water Power Act, being chapter 210 of the Revised Statutes of Canada, 1927, that every undertaking under the said Act is declared to be a work for the general advantage of Canada, shall stand repealed as from the date of the coming into force of this agreement in so far as the same applies to undertakings within the province; nothing in this paragraph shall be deemed to affect the legislative competence of the Parliament of Canada to make hereafter any declaration under the tenth head of section 92 of the British North America Act, 1867.

#### FISHERIES

9. Except as herein otherwise provided, all rights of fishery shall, after the coming into force of this agreement, belong to and be administered by the province, and the province shall have the right to dispose of all such rights of fishery by sale, licence or otherwise, subject to the exercise by the Parliament of Canada of its legislative jurisdiction over sea-coast and inland fisheries.



## INDIAN RESERVES

10. All lands included in Indian reserves within the province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada under section 91 of the B.N.A. Act, 1867, and the province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred, such further areas as the said Superintendent General may, in agreement with the appropriate minister of the province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the province, and such areas shall thereafter be administered by Canada under section 91 of the B.N.A. Act, 1867, in the same way in all respects as if they had never passed to the province under the provisions hereof.

11. The provisions of paragraph 1 to 6 inclusive and of paragraph 8 of the agreement made between the Government of the Dominion of Canada and the Government of the province of Ontario on the 24th day of March, 1924, which said agreement was confirmed by statutes of Canada, 14 and 15 George the Fifth, chapter 48, shall (except so far as they relate to the Bed of Navigable Waters Act) apply to the lands included in such Indian reserves as may hereafter be set aside under the last preceding clause as if the said Agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the province.

12. In order to secure to the Indians of the province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

## SOLDIER SETTLEMENT LANDS

13. All interests in Crown lands in the province upon the security of which any advance has been made under the provisions of the Soldier Settlement Act, being chapter 188 of the Revised Statutes of Canada, 1927, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada.

## NATIONAL PARKS

14. It is mutually agreed that the Prince Albert National Park shall be forthwith surveyed and defined and shall continue as a national park and the lands together therein, as the same are described in Order in Council (P.C.      ), together with the mines and minerals (precious and base) in the said park and the royalties incident thereto, shall continue to be vested in the Crown and administered by the Government of Canada as a national park, but in the event of the Parliament of Canada at any time declaring that the said land or any part thereof is no longer required for park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such

declaration, shall forthwith upon the making thereof belong to the province, and the provisions of paragraph 3 of this agreement shall apply thereto as from the date of such declaration.

15. As long as the said area of land shall be a public park the Parliament of Canada shall have exclusive legislative jurisdiction therein, provided, however, that all laws of the province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing Acts passed by the province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada.

#### SEED GRAIN, ETC., LIENS

16. Every lien upon any interest in any unpatented land passing to the province under this agreement which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the lien may be executed by such officer of the province as may be authorized by any provincial law in that behalf; the province will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Provincial Secretary or such other minister of the province as may be designated in that behalf under the laws thereof.

#### GENERAL RESERVATION TO CANADA

17. Except as herein otherwise expressly provided nothing in this Agreement shall be interpreted as applying so as to affect or transfer to the province (a) any lands for which Crown grants have been made and registered under the Land Titles Act of the province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become the registered owner at the date upon which this agreement comes into force, or (b) any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration.

#### HISTORIC SITES, BIRD SANCTUARIES, ETC.

18. The province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Provincial Secretary or such other minister of the province as may be specified under the laws thereof.

#### FINANCIAL TERMS

19. In lieu of the provision made by subsection 1 of section 20 of the Saskatchewan Act, Canada, will from and after the date of the coming into force of this agreement, pay to the province by half-yearly payments in



advance, on the first days of January and July in each year, an annual sum based upon the population of the province as from time to time ascertained by the quinquennial census thereof, as follows:—

The population being now over 800,000 the sum payable until such population reaches one million two hundred thousand, shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

20. If at the date of the coming into force of this agreement any payment has been made under subsection 1 of section 20 of the Saskatchewan Act in respect of any half-year commencing before but terminating after the said date, a proportionate part of the payment so made shall be taken as having been made under the provisions hereof.

21. Inasmuch as certain questions have arisen regarding the relative legal rights of Canada and the province with respect to the natural resources within the boundaries of the province prior to September 1, 1905, it is agreed that there shall be a reference to the Supreme Court of Canada under and by virtue of the powers conferred by section 55 of the Supreme Court Act (R.S.C., c. 35) for the opinion of the court as to the relative legal rights of Canada and of the province to the natural resources between the year 1870 and September 1, 1905, within the area constituting the province as at present established, with right of appeal from the judgment of said court to His Majesty in Council as provided in subsection 6 of the said section. The questions to be submitted for the opinion of said court shall be such as may be mutually agreed upon by Canada and the province.

22. It is further agreed that under part one of the Enquiries Act a commission of three persons shall be named as may be agreed upon between the province and Canada to inquire and report whether any, and if any, what consideration, in addition to the sums provided in paragraph 19 hereof, should be paid to the province in order that the province may be placed in a position of equality with the other provinces of Confederation with respect to its natural resources as from September 1, 1905, such commissioners to be empowered to decide what financial or other considerations are relevant to the inquiry, and the report to be submitted to the Parliament of Canada and to the Legislature of Saskatchewan; and if by the said report, the payment of any additional consideration is recommended, then, upon agreement between the Governments of Canada and of the province following the submission of such report, the said Governments will respectively introduce the legislation necessary to give effect to such agreement.

23. Notwithstanding anything contained in the immediately preceding paragraph it is understood and agreed that the decision of the Supreme Court of Canada or of His Majesty in Council as the case may be, shall determine whether the commissioners shall have regard to the whole period from the year 1870 onwards or only to the period from September 1, 1905, onwards in deciding what financial or other considerations are relevant to the inquiry, it being hereby declared that in the event of the Supreme Court of Canada or of His Majesty in Council as the case may be, holding that the province has in fact some legal right to, or interest in, the natural resources within the boundaries of the province as now constituted for any period prior to September 1, 1905, the commissioners shall be bound to take cognizance of such finding or decision in directing their inquiries. And it is further expressly understood and agreed that in any event and notwithstanding an adverse decision of the courts as to the legal claims of the province with respect to any period prior to September 1, 1905, the said commissioners shall be entitled to have, and shall have, regard

to the period from September 1, 1905, onwards in deciding what financial or other considerations are relevant to the inquiry and in making their inquiry and report.

## RECORDS

24. Canada will, after the coming into force of this agreement, deliver to the province from time to time, at the request of the province the originals or complete copies of all records in any department of the Government of Canada relative exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the province, and will give to the province access to all other records, documents or entries relating to any such dealings and permit to be copied by the province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.

## AMENDMENT OF AGREEMENT

25. The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the province.

## WHEN AGREEMENT COMES INTO FORCE

26. This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the province of Saskatchewan, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

IN WITNESS WHEREOF

and

have hereunto set their hands on behalf of the Dominion of Canada, and

and  
have hereunto set their hands on behalf of the province of Saskatchewan.

Signed on behalf of the Government  
of Canada by

and

in the presence of

Signed on behalf of the Province of  
Saskatchewan by

and

in the presence of



## CANADIAN NATIONAL TELEGRAPHS

OTTAWA, February 22, 1930.

Hon. J. T. M. ANDERSON, M.L.A.,  
Premier of Saskatchewan,  
Regina, Sask.

Re your suggested draft agreement, most changes from Alberta agreement which are proposed, although they cannot all be concurred in, raise mere drafting points which can only be met by negotiation stop Paragraph seven, however, would be a fundamental departure from both the Alberta and the Manitoba agreements and might virtually destroy the trust that has been created for purposes of education, and could not therefore be accepted stop There may be one or two other paragraphs of some importance open to objection stop I suggest that all these matters cannot be conveniently settled by correspondence and that a conference to discuss them should be arranged and held at the earliest possible date stop I still express and reiterate our willingness to extend to Saskatchewan all the provisions of the Alberta agreement, with mutually satisfactory changes as to the personnel of the commission, and provision for reference to the courts of the matter of alienated resources prior to 1905 stop I much hope that this basis of agreement will be accepted.

W. L. MACKENZIE KING.

## CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH

*Telegram*

REGINA, SASK., February 25, 1930.

Rt. Hon. W. L. MACKENZIE KING,  
Ottawa, Ont.

Your wire mentions one or two doubtful paragraphs in our proposed agreement. Kindly wire in detail all objections mentioning paragraphs. We are anxious to facilitate agreement but desire to know differences before proceeding to conference. Can be at Ottawa March third if assured differences can be met. Wire soon as possible.

DR. J. T. M. ANDERSON.

## CANADIAN NATIONAL TELEGRAPHS

OTTAWA, February 26, 1930.

Hon. J. T. M. ANDERSON, M.L.A.,  
Premier of Saskatchewan,  
Regina, Sask.

I regret that it is not possible for me to deal by telegraph in detail with the matters referred to in your telegram of the twenty-fifth instant more particularly as in considerable measure they relate to differences of phraseology in

the agreement submitted by you as compared with that used in the Alberta agreement to the phraseology of which for obvious reasons we desire to adhere as largely as may be possible STOP Without knowing your own mind with respect to the significance to be attached to differences where they exist between the Alberta agreement and the one you have submitted it would not be possible for our Government to give the assurances requested by you STOP These I believe can only be obtained as the result of personal conference which will permit of no misunderstanding. STOP I regret that I shall be absent from Ottawa on Monday and Tuesday of next week but with the exception of those days my colleagues and I will be pleased to hold ourselves in readiness to meet your colleagues and yourself at your earliest convenience.

W. L. MACKENZIE KING.

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# CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH

## *Telegram*

REGINA, SASK., February 28, 1930.

Right Hon. W. L. MACKENZIE KING,  
Prime Minister of Canada,  
Ottawa, Ont.

Delegation leaving tomorrow having adjourned House one week. Would like to meet you and colleagues Wednesday and Thursday.

DR. J. T. M. ANDERSON.

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# CANADIAN NATIONAL TELEGRAPHS

OTTAWA, February 28, 1930.

Hon. J. T. M. ANDERSON,  
Premier of Saskatchewan,  
Regina, Sask.

Your wire received STOP My colleagues and I will be pleased to meet you and other members your delegation Wednesday and Thursday next week.

W. L. MACKENZIE KING.

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# PRIME MINISTER'S OFFICE, CANADA

OTTAWA, March 6, 1930.

The Hon. J. T. M. ANDERSON, M.L.A.,  
Premier of Saskatchewan,  
Regina, Sask.

DEAR SIR,—Referring to our conferences on the subject of the agreement for the transfer to the province of its natural resources, I agree that it would be useful, as you suggest, to make quite clear what the position of the Government of Canada is on two of the points which have been under discussion.



Our view with regard to the concluding clause of paragraph 1 of the agreement is that it relates to the specific payments received before and after the coming into force of the agreement, and that the clause has no effect whatever upon the rights or duties of the commissioners appointed under paragraph 24 to consider the position with regard to payments received by Canada before the coming into force of the agreement. In our view the position of the commissioners in relation to such payments is wholly covered by the provisions of paragraph 24, and any effect upon it of the concluding clause of paragraph 1 is expressly excluded by the inclusion in that clause of the words "except as herein otherwise specially provided".

In our view, moreover, the provisions with regard to the consideration by the commissioners of the relative rights and obligations of Canada and of the province in respect of the period subsequent to September 1, 1905, are not to be in any way affected by any judgment that may be obtained pursuant to paragraph 22 upon the question of such rights and obligations prior to the constitution of the province.

Yours sincerely,

(Sgd.) W. L. MACKENZIE KING.

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### CANADIAN NATIONAL

#### *Telegram*

REGINA, SASK., March 12, 1930.

Rt. Hon. W. L. MACKENZIE KING,  
Ottawa, Ont.

"Arrangements made to have our counsel in Ottawa Monday.

Dr. J. T. M. ANDERSON.

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### CANADIAN NATIONAL TELEGRAPHS

OTTAWA, ONT., March 12, 1930.

Hon. J. T. M. ANDERSON, M.L.A.,  
Premier of Saskatchewan,  
Regina, Sask.

Have just received your wire advising your counsel will be in Ottawa Monday stop Am so advising Department of Justice and Col. Biggar.

W. L. MACKENZIE KING.

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### CANADIAN NATIONAL TELEGRAM

REGINA, SASK., March 19, 1930.

Rt. Hon. W. L. MACKENZIE KING,  
Prime Minister of Canada,  
Ottawa, Ont.

Our counsel have wired that questions agreed upon stop Please sign required number copies agreement and send rush mail for our signature stop In meantime shall start necessary legislation through our House stop Expect prorogation next week end.

Dr. J. T. M. ANDERSON.

## CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH

*Telegram*

REGINA, SASK., March 20, 1930.

Rt. Hon. W. L. MACKENZIE KING,  
Prime Minister,  
Ottawa, Ont.

Please wire when agreements signed STOP Preparing legislation STOP Are you giving contents agreement to press if so satisfactory to us.

Dr. J. T. M. ANDERSON.

## CANADIAN NATIONAL TELEGRAM

OTTAWA, March 20, 1930.

Hon. J. T. M. ANDERSON, M.L.A.,  
Premier of Saskatchewan,  
Regina, Sask.

Agreements have been signed and mailed to you to-day STOP If you will kindly wire me as soon as received and signed we will give contents to press with understanding that you will be free to do the same STOP We think it just as well not to give anything to press till after agreement signed by both Governments.

W. L. MACKENZIE KING.

## CANADIAN NATIONAL TELEGRAM

REGINA, SASK., March 24, 1930.

Rt. Hon. W. L. MACKENZIE KING,  
Prime Minister of Canada,  
Ottawa, Ont.

Four copies agreement received this morning. Officially signing at two o'clock by MacPherson and myself with Bryant and Stipe as witnesses. Return two copies to-day.

Dr. J. T. M. ANDERSON,

## CANADIAN NATIONAL TELEGRAPHS

OTTAWA, March 27, 1930.

Hon. J. T. M. ANDERSON, M.L.A.,  
Premier of Saskatchewan,  
Regina, Sask.

Mailed signed copies Saskatchewan agreement duly received to-day.

W. L. MACKENZIE KING.





























